

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:02CV243

JERRY TRULL, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
Vs.)	<u>O R D E R</u>
)	
DAYCO PRODUCTS, LLC, <i>et al.</i> ,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on a request by the Clerk of Court for the disposition of certain sealed pleadings herein.

On May 24 and 26, 2005, Plaintiffs' filed Confidential Information Sufficient to Allow a Determination of Damages as Awarded by Jury Verdict. **See Document Nos. 230, 231 and 234; see also Order, filed May 26, 2005 (ordering these documents sealed).**

The Clerk has been directed by the Federal Archives to ship this file for permanent storage at one of its facilities, but that institution will not accept sealed materials. Therefore, the Clerk is required to either 1) retain the documents in perpetuity in a secured location, 2) electronically scan

the documents into the record for historical purposes, or 3) receive the Court's permission to destroy the sealed pleadings or direct they be returned to the filing party.

The first two options are not feasible. The Clerk does not have the space in which to retain such documents in a secured location. Secondly, not only are these documents voluminous, the format in which they were filed (legal-sized paper; single spaced, with front and back printing) prevent the Clerk from electronically scanning the documents into the record. As a result, the Clerk has contacted Plaintiffs' attorneys in this matter, the law firm of Bredhoff & Kaiser, PLLC, who advise that they would prefer the Clerk return these sealed pleadings to their custody. The Court finds that such disposal to be appropriate under the circumstances.

IT IS, THEREFORE, ORDERED that the Clerk return the sealed Document Nos. 230, 231 and 234 to Plaintiffs' counsel, Bredhoff & Kaiser, PLLC, by certified mail, return receipt requested.

Signed: March 12, 2009



Lacy H. Thornburg
United States District Judge

